

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

MAKENZEE MASON,

Plaintiff,

v.

Civil Action 2:22-cv-3668

Judge James L. Graham

Magistrate Judge Elizabeth P. Deavers

**BOLLOM-CARROLL LOCAL
SCHOOL DISTRICT, *et al.*,**

Defendant.

PRELIMINARY PRETRIAL ORDER

Based upon the parties' Report pursuant to Rule 26(f) of the Federal Rules of Civil Procedure, the Court **ADOPTS** the following schedule:

INITIAL DISCLOSURES

Any initial disclosures shall be made by **MARCH 17, 2023**.

VENUE AND JURISDICTION

There are no issues related to venue or jurisdiction.

PARTIES AND PLEADINGS

Any motion to amend the pleadings or to join additional parties shall be filed by **APRIL 28, 2023**.

ISSUES

This action stems from the alleged sexual abuse committed by Defendant Little against Plaintiff and concerns the alleged knowledge and actions of Defendants Bloom-Carroll Local School District, Bloom-Carroll Local School District Board of Education, Shawn Haughn, Nathan Conrad, Jan Wisecarver, and Cynthia Freeman in relation to the alleged abuse of Plaintiff by Defendant Little. There is a jury demand.

DISCOVERY PROCEDURES

All fact discovery shall be completed by **DECEMBER 29, 2023**. All expert discovery shall be completed by **MAY 23, 2024**. For purposes of complying with this order, all parties shall schedule their discovery in such a way as to require all responses to discovery to be served prior

to the cut-off date, and shall file any motions relating to discovery within the discovery period unless it is impossible or impractical to do so. If the parties are unable to reach an agreement on any matter related to discovery, they are directed to arrange a conference with the Court.

The parties have not yet established a protocol for the production of ESI. The parties intend to produce ESI, along with any other discovery materials, in accordance with the Federal Rules of Civil Procedure and this Court's Local Rules. Should a protocol regarding the production of ESI become necessary, the parties will meet and confer to discuss the same.

Any proposed protective order or clawback agreement shall be filed with the Court by **APRIL 25, 2023**. A Word version of the proposed protective order should be sent to deavers_chambers@ohsd.uscourts.gov, for the Undersigned's signature. Any provision related to sealing must comply with S.D. Ohio Civ. R. 5.2.1. Form protective orders are available on the Court's website.

DISPOSITIVE MOTIONS

Any dispositive motion shall be filed by **JUNE 27, 2024**.

EXPERT TESTIMONY

Primary expert reports must be produced by **FEBRUARY 29, 2024**. Rebuttal expert reports must be produced by **APRIL 11, 2024**. If the expert is specifically retained, the reports must conform to Fed. R. Civ. P. 26(a)(2)(B), unless otherwise agreed to by the parties. If the expert is not specifically retained, the reports must conform to Fed. R. Civ. P. 26(a)(2)(C), unless otherwise agreed to by the parties. Pursuant to Fed. R. Civ. P. 26(b)(4)(A), leave of court is not required to depose a testifying expert.

SETTLEMENT

Plaintiff shall make a settlement demand by **JUNE 1, 2023**. Defendants shall respond by **JUNE 30, 2023**. The parties agree to make a good faith effort to settle this case. The parties understand that this case will be referred to an attorney mediator, or to the Magistrate Judge, for a settlement conference in **APRIL 2024**. In order for the conference to be meaningful, the parties agree to complete all discovery that may affect their ability to evaluate this case prior to the settlement conference. The parties understand that they will be expected to comply fully with the settlement order which requires *inter alia* that settlement demands and offers be exchanged prior to the conference and that principals of the parties attend the conference.

OTHER MATTERS

A plea hearing involving the pending state criminal charges against Defendant Chad Little is scheduled on March 9, 2023. Discovery as to Defendant Little has been stayed. (ECF No. 24.)

The School Defendants request that any party intending to seek attorney fees and costs as a prevailing party shall make quarterly reports to the other party disclosing the to-date accrued attorney's fees and costs.

If the foregoing does not accurately record the matters considered and the agreements reached at the conference, counsel will please immediately make their objection in writing. If any date set in this order falls on a Saturday, Sunday or legal holiday, the date is automatically deemed to be the next regular business day.

IT IS SO ORDERED.

Date: February 21, 2023

/s/ Elizabeth A. Preston Deavers
ELIZABETH A. PRESTON DEAVERS
UNITED STATES MAGISTRATE JUDGE